



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting
January 11, 2010**

The Delaware Thoroughbred Racing Commission held a regular meeting on Tuesday, January 11, 2011, at 10:00 AM, in the conference center located at the Delaware Department of Agriculture building, 2320 S. DuPont Highway, Dover, Delaware 19901.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Secretary-Commissioner
Henry James Decker, Commissioner
Edward J. Stegemeier, Commissioner

The following commission members were excused

Debbie Killeen, Commissioner

The following individuals also were present:

Ed Kee, Delaware Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Robert E. Colton, Delaware Jockeys Association, Director
Jeff Ganc, Delaware Park, Assistant Director of Security
Bessie Gruwell, DTHA, Executive Director
Madeline Locke, Owner/Trainer, DTHA, President
John E. Mooney, Delaware Park, Executive Director of Racing
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Ramon Rodriguez, DTRC, Inspector
Joseph Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Jane C. Teichner, V.M.D., DTRC, Associate Veterinarian
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME AND CALL TO ORDER**

At 10:05 a.m., Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Patterson) and seconded (Stegemeier), minutes of November 3, 2010, were approved as submitted.

3. **OLD BUSINESS**

A. **Padded Riding Crop revision and discussion**

Shaft minimum diameter of one half inch isn't correct – Executive Director, John F. Wayne, advised that the model rule should be modified to reflect a minimum shaft diameter of 3/8th inch.

Secretary/Commissioner, W. Duncan Patterson, Jr., reported that the subject did not come up during the ARCI Model Rules Committee meeting in December.

Commission Patterson indicated that in his opinion the rule change should go forth with the change from ½ inches to 3/8th inches. Changes to the proposed rule language have been made and will be submitted for an upcoming public hearing prior to the start of live racing in 2011.

4. **NEW BUSINESS**

A. **Live Racing Schedule 2011 – Delaware Racing Association**

The commission was advised that no agreement has been reached, with the Delaware Racing Association favoring a 102-day race meet starting on Kentucky Derby Day, but considering a 105-day-race meet and the Delaware Horsemen's Association favoring a 110-day race meet starting one week before Kentucky Derby Day.

There was cross discussion with Delaware Park and horsemen regarding purse levels and what an ideal situation would be to promote the best possible racing product. An emphasis from the track side was to maintain a minimum overnight purse structure of \$200,000.00 per day. The horsemen were suggesting modifications to the racing schedule to include different days.

The commission advised all parties that a formal application for live racing dates would be requested at the commission's February 9, 2011 meeting. If at the February 9, 2011 meeting the commission is advised that no agreement for live racing dates has been reached, then the commission will fulfill their statutory responsibility under 3 Del. C §10122© by reviewing statistical data and award the number of live racing dates that will present the best possible racing product and maintain the integrity of the program.

B. **Simulcast Schedule 2011 – Delaware Racing Association**

Upon a motion duly made (Decker) and seconded (Patterson) 363 simulcast days in 2011 were approved.

C. **Engineer's Report – Delaware Racing Association**

The matter is tabled until the commission meeting scheduled for February 9, 2011.

D. **Capital Budget Report (Quarterly Update) – Delaware Racing Association**

Mr. Vild reported that the quarter had just ended and so the report was not complete. Upon completion, the commission will receive the report.

5. **Report from Commissioner Patterson**

Commissioner Duncan Patterson relayed information regarding his attendance at the ARCI meeting held in Tucson, Arizona during the first week of December, 2010. He advised the commission that DHRC Administrator, Hugh Gallagher was acting

Chairman for the Model Rules Committee. That meeting dealt mostly with Out of Competition Testing and that New York and Kentucky were discussing off-track Inspections

Other topics included:

- Double Jockey's Mount – currently have this in Delaware
- Penalties for non compliance of new bute rule (Nationally approved at the level of 2.0)
- Safety reins and vests (this is still under review nationally and in Delaware. There was no formal action taken on this during ARCI meeting.
- ARCI Drug Testing Standards and Practices Meeting
 - a. Threshold level of Dimethylsulfoxide (DMSO)
 - b. Injecting DMSO is apparently taking place throughout the country
 - c. DMSO is reclassified to a class 4 substance when threshold level is exceeded.

At this point in the meeting, Ms. Gruwell interjected about a “rash of positives” that were occurring in Pennsylvania in reference to DMSO, cortico steroids, “rat-blast” and pepper spray. It was discussed that pepper spray is used to prevent horses from chewing on straps, but apparently there is a substance in the spray that is prohibited at race time.

Commissioner Patterson continued with this report:

- Zomax was made a class 3 drug used as a substitute for anabolic steroids
- Two threshold levels for:
 - a. Glycopyrate; 3.5 picograms per milliliter with 24 hour withdrawal
 - b. Methocarbomal, 1 nanogram with 48 hour withdrawal period
- Non-steroidal, Equiox (trade name) – threshold 40 nanograms with 7-day withdrawal given orally and 48 hours withdrawal if injected.
- ARCI board meeting – basically re-hashed the committee meetings.
- Broader National Compact – championed by Rick Goodell (NYSR&WB counsel) and has been in contact with DAG Andrew Kerber. Commission Patterson added that two horsemen's associations are resistant to the concept of the broader compact, but in his opinion this is due to a lack of understanding. The broader compact will enable states to facilitate rule promulgation is less time. Added to the mix is the threat of Federal intervention if a procedure is not in place to make rules uniform.
- Animal rights organizations and health and welfare of the horse

6. Delaware Jockey's Association – Mr. Robert E. Colton

- Safety helmets and vests – Mr. Colton pushing forward – Monmouth will have it mandated for all people on horse – not just jockeys
- Over the last month – rewrote his recommendations and contacted manufactures for more thorough understanding
- Handout of the current rule and ARCI model rule and his proposed language and current helmet and vests available (strictly jockey helmet and vest handout)
- Proposal of listing standards specifically – language commission approves vests and approves helmets – then publish separately what current standards are.

At this point, Commissioner Stegemeier asked Mr. Colton if there were any groups or organizations that were running opposed to the wearing of safety vests and helmets. Mr. Colton answered in the negative.

7. Report from DTRC Executive Director

Summary of activities report for the Commission's activities during the period of November 1 to December 3, 2010 was submitted. Commission revenue during 2010 was \$214,340.00 in licensing fees and \$32,388.00 in disciplinary fines for a total of \$246,728.00.

Mr. Wayne reported that during December he was able to facilitate an inspection of the offices of Secure Data Inc. (SDI), in O'Fallon, Illinois. SDI is the state approved contractor that supplies hardware/software support for the licensing database system used by the Commission at Delaware Park. The file server previously stored and operating at the SDI offices will be relocated to on-site at the DTRC offices during the middle of January, 2011.

8. Report from Chief Commission Veterinarian

Dr. John T. Peters submitted a statistical written report for the Commission to review. Dr. Peters acknowledged that the report was prepared by Associate Veterinarians, Kathleen Picciano and Jane Teichner.

Dr. Peters reported that during November, 2010, one horse was lost due to a broken knee sustained in a race and later had to be euthanized.

Academic discussion about the two deaths of horses that died on the race track it is not a muscular skeleton death – batting average better this year than last year.

In current year (2010), 161 received shockwave therapy. Dr. Peters reported that the program went well and vets cooperated 507 scopes cert by commission vets
Thanks the racing commission and Del Park and John Wayne for your support. Looking for 161 shock wave – on the grounds better than off the grounds – yes, better for the horse and better for us in reference to our monitoring.

Report from Drs. Picciano and Teichner regarding American Association of Equine Practitioners (AAEP) meeting in Baltimore, Maryland during December, 2010.

There was a brief discussion about the Breeder's Cup matter involving "LIFE AT TEN" which was a starter, but later developed in a media story that the horse had problems detected prior to the race by its rider, John Velasquez. Commissioner Patterson said at the jocks meeting it was disclosed that earlier during the Keeneland Fall season, Jockey, Garret Gomez had asked that his horse be scratched and the vets did not scratch and therefore that influenced Johnny Velasquez in not reporting to the vets.

It was suggested that the DTRC Veterinarians meet with the riders at the beginning of the year about protocols for reporting concerns about horses prior to the start of each race.

PIROPLASMOSIS TESTING: Picciano will survey the surrounding states and recommend at the next commission meeting the testing requirements for ship-ins and for horses stabled at Delaware Park. It was also suggested to include Delaware State Veterinarian, Heather Hirst in any dialogue. Arkansas, Florida, and Texas need special attention because of outbreaks in those places.

Suggestion from DTRC Veterinarians to double-seal blood samples. Mr. Strug advised that this would not be a problem at his end in handling samples. Mr. Wayne advised that a modification to the SOP would be made to reflect this change.

Commissioner Stegemeier thanked the Veterinarians for their report and that the Commission looks forward to it each year.

9. **Report from Delaware Thoroughbred Horsemen's Association (DTHA)**

Delaware certified thoroughbred program report hand out with statistics.
Report attached hereto.

Comments from DTHA Executive Director Bessie Gruwell:

The main track at Delaware Park has been in great shape and is better than other tracks that horses are shipping to run at during the winter. Track Superintendent, Ken Brown has been doing a great job. Ms. Gruwell noted that the DCTP had a record number of starters and there was a record amount of awards paid out. This information was contained in the hand-out that was provided by Ms. Gruwell.

10. **Public comment**

Delaware Department of Agriculture Cabinet Secretary Edwin Kee advised that his job of as Secretary he often explains agriculture and all moving parts associated with horse racing – when I tell them we have 3 vets on the track each race day – Kee wanted to share that story and acknowledge the three vets – protecting the health of the horses the health of the jockeys and the integrity of the sport.

Mr. Joseph Strug, laboratory director for Dalare Associates reported that past delinquencies in payment for invoices has been timelier, but recognized some issues with the new financial system and the challenges with processing those invoices.

Secretary Kee commented that he spent several hours going over this with Sandy Ogden, DDA Finance officer regarding tracks paying equine drug testing invoices directly after verification from the Commission.

At approximately 12:22 p.m., a motion was made (Stegemeier) and seconded (Decker) to go into Executive Session.

****Rule change – reducing the Phenylbutazone/Oxyphenbutazone limit to 2.0 for publication in February 2011 publication – for March meeting final – and in effect April 10th.***